

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.06.2017
CORAM:
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN

W.P. No. 22964 of 2016

R.Usha Rani

...Petitioner

Vs

1.The Bank of Baroda
rep by its Deputy General Manager
Chennai Metro Region (CMR)
No.10, C.P.Ramasamy Road
Alwarpet, Chennai 600 018.

2.The State Level Scrutiny Committee
rep by its Chairman and Secretary
to the Government,
Adi Dravidar and Tribal Welfare Department
Fort St.George, Chennai 600 009.

3.The Director of Tribal Welfare
Chepauk, Chennai 600 005.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified mandamus calling for the records relating to the proceedings bearing No.R.O.CMR:HRM:52/1353 dated 30.04.2016 of the first respondent and quash the order passed therein, insofar as the denial of the terminal benefits of the petitioner, and consequently direct the respondent to disburse all the terminal benefits such as provident fund, leave encashment, gratuity etc., including pension with reasonable interest from the date of the dues.

For Petitioner : Ms.P.T.Asha

for Mr.Yogesh Kannadasan
For Respondents : Mr.Anand for

M/s.T.S.Gopalan & Co for R1

Mr.K.Thanjeyan

Special Government Pleader for

R2 & R3

O R D E R

K.K.SASIDHARAN, J.

This Court passed the following order on 27 March 2017:

The counter affidavit filed by the State Level Scrutiny Committee indicates that in spite of issuing notice for appearance on 21 July 2016, the petitioner failed to appear for enquiry and as such, the matter is kept pending.

2. The learned counsel for the petitioner, upon instructions, submitted that the petitioner is prepared to appear, in case the matter is posted on 12 April 2017.

3. We direct the State Level Scrutiny Committee to post the matter on 12 April 2017 for enquiry. The petitioner is directed to appear before the Committee along with all the documents to substantiate her contention that she belongs to Scheduled Tribe. The authority is directed to consider the matter and pass appropriate orders on merits and as per law as expeditiously as possible, and in any case, on or before 05 June 2017.

Post on 06 June 2017."

2. The State Level Scrutiny Committee, pursuant to the order dated 27 March 2017, examined the community status claim made by the petitioner and by order 22 May 2017, arrived at a decision that she does not belong to Kattunayakkan community, which is declared as a Scheduled Tribe. The community certificate of the petitioner was accordingly cancelled.

3. The present writ petition challenges the order dated 30 April 2016 on the file of the Bank of Baroda, rejecting the request made by the petitioner for disbursement of retirement

benefits. There is no question of quashing the order dated 30 April 2016, in view of the order dated 22 May 2017 on the file of the State Level Scrutiny Committee. We are therefore, of the view that nothing survives for adjudication on account of the subsequent events.

4. The learned counsel for the petitioner contended that relevant materials were ignored by the State Level Scrutiny committee while deciding the community status claim made by the petitioner.

5. Since the petitioner is yet to file a comprehensive writ petition challenging the order dated 22 May 2017, it is too pre-mature to make an observation with regard to the merits of the order passed by the State Level Scrutiny Committee.

6. The learned counsel for the petitioner seeks liberty to challenge the order dated 22 May 2017. Since the order rejecting the community status claim was passed during the currency of the writ petition, it is always open to the petitioner to challenge the said order in the manner known to law.

The writ petition is disposed with the above observation. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

gms

To

1.The State Level Scrutiny Committee
rep by its Chairman and Secretary
to the Government,
Adi Dravidar and Tribal Welfare Department
Fort St.George, Chennai 600 009.

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2.The Director of Tribal Welfare
Chepauk, Chennai 600 005.

+1 cc to M/s.T.S.Gopalan & Co Vider sr 42900
+1 cc to M/s.yogesh Kannadasan Advocate sr 42926
+1 cc to Government Pleader sr 43470

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